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REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-51 are pending in this case, claims 27-51 having been previously withdrawn under a restriction requirement as drawn to a non-elected invention. Claims 1-26 have been rejected.

By this amendment, claims 1-2, 6-11, 14-16, and 19-23 have been amended, claims 3-5, 12-13, and 17-18 have been cancelled and new claims 52-55 have been added.

By this amendment, the specification has been amended to correct an error whereby reference was made to a "valve 23" and also to a "data processor 23". The valve previously referred to as "valve 23" is now referred to as "valve 13".

Claim Rejections – 35 U.S.C. §103

The Examiner has rejected claims 1-3, 5-11, and 14-26 under 35 U.S.C. §103(a) as being unpatentable over Hsieh (US Patent No. 5,975,365) in view of Clubb (US Patent No. 6,173,117). Claims 1-2, 6-11 and 14-16 have been amended. Claims 3 and 5 have been cancelled.

The Examiner has further rejected claims 4, 12, and 13 under 35 U.S.C. §103(a) as being unpatentable over Hsieh in view of Clubb and further in view of Anson (US Patent No. 5,858,437).

Claim 1 has been amended to add additional limiting features which, in the Applicant's opinion, clearly distinguish amended claim 1 from the prior art cited by the Examiner.

Claim 1 as amended now specifies that each of first and second water reservoirs is provided with a heating element and a thermal sensor, and a data-processor/controller is designed and configured to alternately heat each reservoir to sterilization temperatures, said heating being controlled in such a manner that at first times water in the first reservoir will be above a target temperature and water in the second reservoir will be below the target temperature, and at second times water in the second reservoir will be above the target temperature and water in the first reservoir will be below the target

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temperature. The configuration thus described enables alternating periodic sterilization of the contents of both reservoirs.

Amended claim 1 further specifies that said data-processor/controller is operable to calculate appropriate amounts of water from said first and second reservoirs which waters, when combined in said calculated amounts with a known measure of formula, will produce a fluid food in a desired concentration and at a desired temperature.

The Applicant believes that no combination of the cited prior art teaches or suggests the configuration specified in amended claim 1. Anson, in particular, does not suggest alternating colder and hotter temperatures between his two water reservoirs, nor does he suggest using water heating as a sterilization procedure.

The device described by amended claim 1 enables rapid preparation of sterile fluid foods (e.g. for infants) at preselected serving temperatures in conditions of convenience and sterility which far surpass those provided by the prior devices art cited by the Examiner, considered both individually and in combination.

It is to be noted that preparation of feeding formula for infants, in particular, requires sterilization. A high degree of sterilization of the water used as a component of the fluid food prepared by the device of the instant application is provided by means for boiling and periodic re-boiling of that component water. No similar device nor method is taught or suggested by any of the cited prior art, nor can any combination of the prior art devices as described produce such a result. It is thus a distinct advantage of the device of the instant invention that it can be used for instant preparation of food for infants which is both sterile and served at a pre-selected serving temperature, on demand. None of the prior art devices cited, nor any combination of the disclosed features of those prior art devices, could provide this result.

The Applicant therefore submits that amended claim 1 and claims dependent thereon are in condition of allowance.

With respect to the Examiner's comments relating to claims 16, 18, 20, and 21, that the type of food ingredient used provides no structural limitation to the claims, claim 18 has been cancelled and claims 16, 20 and 21 have been amended to relate to the structure of the device rather than to the food content used therewith.

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With respect to the Examiner's comments relating to claims 24 and 25, support is to be found between page 13 line 30 and page 14 line 1 of the instant disclosure. It is to be noted that one advantage of the device of the instant disclosure over the cited devices of prior art is the high level of sterility of the produced food provided thereby. Provision for utilization of pre-packaged and presumably sterile formula supplies, requiring no cleaning of the formula container and presenting no danger of contamination thereof, is an aspect of the invention. Similarly, use of a modular and replaceable formula container, containing therein all or part of the means used for dispensing the formula, can prove an even higher level of simplicity and sterility to the described device. Thus, provision for utilization of pre-packaged formulas and/or formula-comprising containers is an important enhancement to the invention, particularly relevant for preparation of foods for infants and for sick or geriatric users.

New Claims

New dependent claims 52-55 have been added. Support for claim 52 is to be found in the instant application on page 30, line 23. Support for claim 53 is to be found on page 21, lines 8-10. Support for claim 54 is to be found on page 21, lines 21-27. Support for claim 55 is to be found on page 29, lines 16-22.

In view of the above amendments and remarks, allowance of claims 1-2, 6-11, 14-16 and 19-26, and of new claims 52-55 is respectfully and earnestly solicited.

Respectfully submitted,



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